IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.23 OF 2005

Re: Mayur Narendra Chandra & Ors. ..Debtors.

Ex parte :
Mandvi Co-operative Bank Ltd. .. Petitioning Creditor.

...

Mrs. A.A. Dahiwale for the Petitioning Creditor.
Ms. T. Dalvi for the Debtors.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

19th August, 2006.

P.C. :

This Petition is founded on an award of the Co-operative Court dated 24th December, 2003 under which an amount of Rs.1,36,231.59 is due and payable with further interest at the rate of 16.5% per annum on the principal sum of Rs.1,28,078/- from 1st April, 2004. An insolvency notice was issued on 7th October, 2004 which was served on 3rd November, 2004. The act of insolvency is accordingly complete.

2. Counsel appearing for the Debtors has prayed for time to pay the outstanding dues. In my view, a conditional order can be

passed in the interests of justice. Accordingly, there shall be the following order :

i) The Debtors shall be at liberty to pay the decretal dues under the award of the Co-operative Court dated 24th December, 2003 in Case No. CC I/41/ of 2003 (Mandvi Co-operative Bank Ltd. v. Mayur Narendra Chandra & Ors.)) in monthly installments each of Rs.15,000/-; the first installment shall be paid on or before 30th September, 2006, while the subsequent installments shall be paid on or before the 15th day of each succeeding month;

ii) Upon the payment of the entire decretal dues, the decree shall be marked as satisfied;

iii) In the event that there is any single default in the payment of the installments or in the payment of the last installment, the Petition shall stand absolute in terms of prayer clauses (a) and (b).

iv) Counsel appearing for the Petitioning Creditor undertakes to inform the Insolvency Registrar upon payment being

made or, as the case may be, in the event of default. In the event that payment is made, the Petition shall formally be placed for directions as to disposal .